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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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|-----------------|-------------|----------------------|---------------------|------------------|

10/523,270

01/31/2005

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9896-058/NP

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27572 7590 01/07/2008
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EXAMINER

NOONAN, WILLOW W

ART UNIT

PAPER NUMBER

2146

MAIL DATE

DELIVERY MODE

01/07/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/523,270 | XU ET AL. | |
| | Examiner | Art Unit | |
| | Willow Noonan | 2146 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 10 is/are rejected.
- 7) ☒ Claim(s) 8, 9 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>10/23/2007</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

1. The instant application having Application No. 10/523,270 has a total of 10 claims pending in the application; there is 1 independent claim and 9 dependent claims, all of which are ready for examination by the examiner.

Oath/Declaration

2. The applicant's oath/declaration has been reviewed by the examiner and is found to conform to the requirements prescribed in 37 C.F.R. 1.63.

Priority

3. As required by M.P.E.P. 201.14(c), acknowledgement is made of applicant's claim for priority based on applications filed on September 23, 2002 (China 02131775.5).

Drawings

4. The applicant's drawings submitted are acceptable for examination purposes.

Information Disclosure Statement

5. As required by M.P.E.P. 609(C), the applicant's submission of the Information Disclosure Statement dated March 10, 2005 is acknowledged by the examiner and the cited references have been considered in the examination of the claims now pending.

As required by M.P.E.P 609 C(2), a copy of the PTOL-1449 initialed and dated by the examiner is attached to the instant office action.

Allowable Subject Matter

6. Claims 8 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1, 2, 4, and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the limitation "current operation device set" lacks sufficient definition in the claim and in the specification.

Regarding claim 2, the limitation "from daemons" lacks sufficient antecedent basis.

Regarding claim 4, the limitation "for system" lacks sufficient antecedent basis.

Regarding claim 7, the limitation "current display device set" lacks sufficient definition in the claim and in the specification.

Further in regard to claim 7, the limitation "a fourth data set" appears to be listed as a method step. Appropriate correction and/or clarification is required.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-7 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sachse (U.S. Patent No. 6,985,901) in view of Bush (U.S. Patent No. 6,754,664).

As per claim 1, Sachse teaches a dispatching method for polling device data. See Sachse, *Abstract*. Sachse teaches the step of sorting managed devices according to their types, and assigning a priority attribute and a polling period attribute to each module. See Sachse at col. 29, lines 63-67 ("Property groups allow categorization of managed devices into groups. The groups can be based on device types, location, priority, supported MIBs, business function, or any other useful characteristic."); Sachse at col. 117 line 64 – col. 118, line 4 ("These agents poll for user-defined information on pre-selected intervals and typically push this data up to a central point of control."). Sachse further teaches polling according to priority data information. See Sachse at col. 29, lines 63-67 ("The groups can be based on device types, location, priority").

Sachse does not teach that various types of data of each managed device are sorted to different modules. However, Bush does teach that it is well known sort various

types of data of managed devices to individual modules. See Bush at col. 1, lines 40-51 ("One class of objects defines data groups (DataGroups) that can be nested to represent machine resources. DataGroups act essentially as folders to contain DataCollectors. For example, one DataGroup object may represent machine software, with DataGroups under it representing processes and services"); Bush at Fig. 4A, 4B (illustrating division of properties into DataGroups). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Bush's technique in Sachse's system because Bush discloses a similar system for monitoring resources in a computer system. See Bush, *Abstract*.

Bush also teaches describing the at least one module with a device ID and module ID. See Bush at Fig. 4A, 4B.

As per claim 2, Sachse teaches forming a current polling task queue according to said periodical polling, and dispatching the polling through the current polling task queue. See Sachse at col. 117 line 64 – col. 118, line 4 ("These agents poll for user-defined information on pre-selected intervals and typically push this data up to a central point of control."). Sachse also teaches that the data items for describing the current polling task queue (see Sachse at col. 115, line 45, "Trap Mask Definitions") include task ID (see Sachse at col. 115, line 61, "'Generic' trap ID"), occupied information (see Sachse at col. 116, lines 3-6, "'Trap Logger' alarm and its associated Poll"), module ID (see Sachse at col. 115, line 59, "Project Name"), device ID (see Sachse at col. 115, line 49, "Server Name"), activation time (see Sachse at col. 116, lines 3-6, trap log file) and priority. Sachse teaches that the activation time may include the current time in the

case of inserting a task and will be updated when a report about executing situation of the task sent from daemons has been received and that said occupied information may be set free after a corresponding message showing the polling task has been completed is received or the polling task is overtime. See Sachse at col. 135-136 (log timestamp and detailed log information).

As per claim 3, Sachse further teaches setting a maximum number of polling tasks; wherein the current polling task queue is generated according to said maximum number of polling tasks. See Sachse at col. 177 ("The amount of RAM [determines] the number of nodes which you wish to manage").

As per claims 4 and 5, Sachse teaches setting a polling initiating time for system; wherein the periodical polling is implemented based on said polling initiating time plus a polling interval. See Sachse at col. 117 line 64 – col. 118, line 4 ("these agents poll for user-defined information on pre-selected intervals").

Regarding claim 6, Sachse and Bush teach generating a data structure for describing device type after sorting managed devices according to their types and sorting various types of data of each device so as to form different modules. See Sachse at col. 29, lines 63-67 ("Property groups allow categorization of managed devices into groups. The groups can be based on device types, location, priority supported MIBs, business function, or any other useful characteristic."); Bush at Fig. 4A, 4B.

Regarding claim 10, Sachse teaches selecting sequentially a device from the set consisting of devices whose connection states need to be detected and making ping

operation for the device; wherein the success of ping operation shows said device is connected to the network management system and failure of ping operation shows said device is not connected to the network management system; if the connection state of said device is changed, notifying other daemons and foregrounds about this condition. See Sachse at col. 124, lines 6-18 ("Node Up and Node Down...when a node or interface fails to respond to a ping, a Node or Interface Down event for the specific node will be generated.").

Response to Arguments

11. Applicant's arguments with respect to claims 1-7, and 10 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Please see the included *Notice of References Cited* for additional prior art considered pertinent to applicant's disclosure but not explicitly relied upon in this action.

14. The examiner requests, in response to this Office action, support be shown for language added to any original claims on amendment and any new claims. That is, indicate support for newly added claim language by specifically pointing to page(s) and line no(s) in the specification and/or drawing figure(s). This will assist the examiner in prosecuting the application.

15. When responding to this office action, Applicant is advised to clearly point out the patentable novelty which he or she thinks the claims present, in view of the state of the art disclosed by the references cited or the objections made. He or she must also show how the amendments avoid such references or objections See 37 CFR 1.111(c).

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Willow Noonan whose telephone number is (571) 270-1322. The examiner can normally be reached on Monday through Friday, 7:30 AM-5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Pwu can be reached on (571) 272-6798. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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JEFFREY PWU
SUPERVISORY PATENT EXAMINER